

HERITAGE DIGITAL ACADEMY MIDDLE SCHOOL
Petition to Escondido Union School District for Charter Authorization
Submitted February 8, 2013

VISION FOR A NEW KIND OF SCHOOL

Despite decades of school reforms, the American education system as a whole remains stuck in an industrial-age model that moves students in lock-step fashion through a standardized curriculum, using traditional teaching methods that leave many students bored and disengaged. Advances in technology have had only superficial impact on the classroom, with computers often being used as a mere adjunct to teacher-focused instruction. This outmoded approach is failing to meet the needs of today's increasingly diverse and tech-savvy students – many who feel they have to "power down" when they come to school.

The result is that large numbers of students graduate high school ill-prepared to succeed in an increasingly competitive global economy. Too many students -- particularly Hispanic and African American students – don't make it to graduation at all.

The old model of education is failing the adults in the system as well. Teachers and administrators are hard pressed to meet continually higher performance standards while dealing with the challenges of needy student populations and ongoing budget problems. Most educators today recognize the importance of using data and technology to improve instruction, but they are frustrated by a lack of time and inadequate resources to do the job right.

A new approach to teaching and learning is desperately needed. Books like *Disrupting Class*, by Clayton Christiansen, have spurred interest in online learning. The number of "virtual" schools offered around the country has grown dramatically over the last few years, and research studies have reported a variety of positive results. Having students working on computers at home isn't practical for the majority of families, however, particularly those in which there is no parent home during the day to supervise. As a result there is a growing demand for a "hybrid" or "blended" model in which students engage in computer-based learning but where the school day takes place in a "bricks and mortar" setting.

The vision is to create a rich and interactive learning environment that will work for children from all backgrounds. Students will have personalized learning plans geared to their level of development and unique learning styles. The curriculum will tap the wealth of resources available online and leverage children's natural interest in using technology. Computer-based courseware will allow students opportunities for mastery learning and will provide immediate feedback on their performance, while face-to-face learning activities will ensure a balanced educational and social experience.

Heritage Digital Academy Middle School Charter Petition

Teachers will spend more time directing and coaching students, and less time processing paperwork. Technology will enable more frequent and detailed evaluations at the student and classroom level, which will lead to more effective instruction and continual program improvement. Classroom support programs will be seamlessly integrated with enterprise level systems to streamline operations, and teachers and administrators will use technology in creative ways to engage parents and other external partners.

HERITAGE DIGITAL ACADEMY MIDDLE SCHOOL – AN OVERVIEW

Heritage Digital Academy (HDA) is part of the Escondido Charter School District along with Escondido Charter High School and Heritage K-8 Charter School. Heritage Digital Academy was established in 2004 as an independent study program (grades 6-8) in the Heritage K-8 Charter School. In response to parent demand, the school created a classroom-based version of the program in the fall of 2010 that implemented a blended learning model alongside the K-8 traditional classroom program. Since then, the program has grown from ninety students to nearly three hundred students, demonstrating a high demand by parents and students to participate in a blended learning program. As a result, we decided to write a new charter for the Heritage Digital Academy program so that we can independently track progress for the program outside of the Heritage K-8 traditional program.

The Heritage Digital Academy Middle School approach came out of long term projects supported by the Girard Foundation, a La Jolla based private foundation with a focus on education, that involved faculty from Heritage K-8 Charter School, Escondido Charter High School, the development team for Girard Middle School, and Pollinate Ventures, a social venture fund that receives money from the Gates Foundation. Originally, a charter for Girard Middle School was approved by the San Diego Unified School District but was never opened due to facility complications. This petition was developed by using elements of that petition, with permission of the Girard Foundation, under the leadership of Cinda Doughty who was the chief developer of the Girard petition and is now Director of Heritage Digital Academy. (*More detailed background information on the individuals involved in founding Heritage Digital Academy is found in Appendix A.*)

We are seeking authorization by Escondido Union School District and hope to open under the new charter in the fall of 2013. At full enrollment, the school will serve 300 students in grades 6-8.

EDUCATIONAL PROGRAM (ELEMENT 1 OF THE EDUCATION CODE)

HERITAGE DIGITAL ACADEMY'S MISSION

Our mission is to create a technology-rich, personalized learning environment where all students become self-directed learners, prepared for a rigorous high school experience, and capable of succeeding in the most competitive universities and careers of the 21st century.

TARGET POPULATION

Heritage Digital Academy is located in Escondido. Our goal is for the school's population to reflect the demographic mix similar to that found in the nearby Hidden Valley Middle School:

Hispanic/Latino	77%
White	12%
African American	3%
Asian	2%
Filipino	2%
American Indian/Alaska Native	>1%
Pacific Islander	>1%
English Learners	37%
Socioeconomically Disadvantaged	82%

EDUCATIONAL PHILOSOPHY

We believe that to be considered "well-educated" in the 21st century, students must become:

- Proficient in the core academics
- Effective and responsible users of technology
- Critical, creative and collaborative thinkers
- Ethical and contributing members to both the local and global society
- Self-motivated, lifelong learners

We believe that students learn best in an environment that offers:

- Safe orderly learning environment.
- Rigorous and engaging curricula
- A variety of interactive and motivating methods for learning
- High degree of personalization in order to address individual student needs
- Sufficient learning time for struggling students to catch up and for all students to have opportunities for enrichment
- An appreciation of our Traditional American Culture and Values, emphasizing effort, courage, honor, service, hard work, personal responsibility, individual initiative, respect, patriotism and entrepreneurial spirit

ADVANTAGES OF THE HERITAGE DIGITAL ACADEMY MODEL

Heritage Digital Academy Middle School has been designed to create the kind of highly effective learning environment described above. The model includes several innovations that we believe will result in breakthrough gains in both student performance and financial sustainability. The following chart compares the HDA approach to the traditional school model, highlighting the Heritage Digital Academy advantages for both students and teachers.

	Traditional School Model	HDA Model
Technology-infused curriculum	<ul style="list-style-type: none"> • Textbook-driven curriculum, with technology serving in supplementary role. • Curriculum focused on core standards, with other content often neglected. 	<ul style="list-style-type: none"> • Computer-based curricula and educational tools are fully integrated into the learning model. • Common Core standards as a foundation, but enriched with 21st Century Skills.
Variety of learning modalities	<ul style="list-style-type: none"> • All students are expected to learn the same things, in the same way, at the same time • Majority of learning time is spent in a classroom, with teacher providing top-down instruction • Practice done at home without staff support • Classes move on whether or not a student understands the lesson 	<ul style="list-style-type: none"> • Personalized Learning Time to meet the needs of individual students • Direct instruction coupled with computer time for completing work, balancing instruction and practice • Mastery learning allowing student to “get” a concept before moving on
Extended time for learning	<ul style="list-style-type: none"> • 7 hr school day (inc. lunch) • Opportunities to extend learning time constrained by cost 	<ul style="list-style-type: none"> • 8-9 hr school day (inc. lunch) • Additional learning time made possible without additional cost through an innovative staffing model

Heritage Digital Academy Middle School Charter Petition

Attention to individual student needs	<ul style="list-style-type: none">• Minimal differentiation of instruction.• Due to large class sizes and schedule constraints, teachers have little time to focus on individual students and their needs.	<ul style="list-style-type: none">• Each student has a Personalized Learning Plan, and the level, mode and pace of instruction are targeted to his/her individual needs.• School schedule and small class sizes provide an opportunity for staff to focus on student needs
Extended time to support high quality teaching	<ul style="list-style-type: none">• 5 hours of prep time per week• 3-4 days dedicated to professional development & collaboration	<ul style="list-style-type: none">• 8 hours of prep time per week• 3 hours dedicated weekly to professional development & collaboration in addition to 3-4 professional development days
Technology support for quality teaching	<ul style="list-style-type: none">• Limited tools and lack of integration make storing and accessing information more time-consuming and inhibits teachers' ability to analyze and use data.	<ul style="list-style-type: none">• Rich array of technology resources enhance teachers ability to be creative and to use data more effectively.• Seamless integration of the technology components with classroom instruction and management help teachers and administrators to be more efficient.

TECHNOLOGY-INFUSED CURRICULUM

Students at Heritage Digital Academy will engage in a rigorous, relevant and engaging curriculum designed to prepare them for success in their subsequent educational experiences and life in general. All students will participate in the following coursework:

- middle school-level classes in the core areas of math, language arts, science and social studies based on Common Core Standards and California State Standards
- physical education
- classes designed to develop strong study habits and 21st century skills such as critical thinking, creativity and collaboration
- exposure to art and music

All of the courses at Heritage Digital Academy will employ computer-based curricula supplemented by traditional resources when needed that is either purchased off-the-shelf or developed by teachers using a variety of resources. Computer-based learning is a powerful way of engaging today's students who have a natural affinity to technology. Computer-based curricula make it easier for teachers to differentiate their instruction. Students are able to move at their own pace, moving faster through material they understand and repeating the more difficult sections. In addition, the multi-media capabilities of online programs enable students to visually interact with abstract concepts that are often difficult to understand when presented in traditional textbooks or lectures. (*See Appendix B for sample course outlines*)

VARIETY OF LEARNING MODALITIES

In contrast to traditional schools, Heritage Digital Academy will employ a blended model that combines computer-based instruction in a lab setting with face-to-face instruction by highly qualified teachers. The use of technology is not merely for the use of technology itself, but because of the benefits in efficiency and effectiveness that a specific technology will provide. Following a process of gradual release of responsibility for content and skills, students will move from teacher led instruction to independent practice and mastery. In the Digital Academy model, traditional teaching will drive initial exposure to concepts and content knowledge through a variety of proven teaching modalities. Students will then move to "Personalized Lab Time" to practice skills, complete assignments based on content knowledge learned in class, and work on projects in both small groups and individually. Staff will supervise progress in the lab, create student goals and provide assistance as needed, supporting students in the learning process.

Key to this model is mastery learning by the student. Technology allows students multiple attempts at assignments as they develop skills and content

Heritage Digital Academy Middle School Charter Petition

understanding. Students will be able to move more at their own pace during Lab Time, taking additional time to review concepts with which they are struggling and less time with those they readily understand. All of which builds to students demonstrating mastery of concepts and skills through formative and summative assessments. (*See Appendix C for a sample student schedule and a “Day in the Life.”*)

INDEPENDENT STUDY

Heritage Digital Academy Middle School may include an Independent Study Program that will not exceed 20% of the school population. Students in the independent study program would participate in the same curriculum as the students in the seat time program but would meet with teachers individually or in small groups either virtually or on campus. Independent Study students would be expected to meet all the same academic and testing requirements as seat time students.

EXTENDED TIME FOR LEARNING

Research has suggested a strong link between student outcomes and the amount of time spent in school. It is also clear that children learn at different rates, and that students who fall behind in mastering the content are at greater risk of dropping out. Heritage Digital Academy believes that giving students more time for learning will improve scores overall and will make a huge dent in the achievement gap.

Compared to traditional school models, HDA plans to provide an extra time each school day to support students who need it. We will be using an innovative staffing model to accommodate this extended learning time within the regular school budget. By staggering staff schedules we will add an additional hour to each school day to provide extra support for students who are in need of help.

PERSONALIZED LEARNING PLANS

Each student entering Heritage Digital Academy will be given a battery of assessments to determine his/her baseline academic level, learning style, and interests. The academic team will review this information along with the student's state test scores and cumulative file to create a Personalized Learning Plan for each student at the beginning of the school year. Teachers will use these plans as guides to placing students at appropriate levels in the curricula and scheduling them for mandatory tutorial time if needed.

Student progress will be measured on an ongoing basis through a variety of assessments (e.g., tests embedded in the online curricula, teacher-developed assessments and semester assessments) to determine their progress toward grade-level standards and areas of specific weakness. The data will enable

Heritage Digital Academy Middle School Charter Petition

teachers to make “real-time” modifications to their instruction, adjust students’ assignments within the online curricula, and identify students in need of additional tutoring.

In traditional schools, Response to Intervention (RtI) is initiated only after a student has been identified as having difficulty, and many of the interventions are “pull-outs” that take place outside the classroom. At Heritage Digital Academy, all students will be assessed at the beginning of the year and with ongoing assessments, and curricular adaptations and tutoring are seamlessly integrated into the regular program.

Data analysis and tracking of students’ progress will be done through a data management system like Illuminate Data and Assessment. Student information regarding state assessments, school assessments, CELDT testing, standards mastery, reading and writing levels, Response to Intervention, Student Study Teams, 504 Plan and Special Education accommodations and goal progress will be tracked. Data and analysis will be shared with the appropriate stake holders and used as a basis for personalizing instruction.

The following describes additional supports that Heritage Digital Academy will provide to students with specific needs:

Support for low-achieving students: The HDA model was specifically designed to address the needs of students who struggle and fall behind under the traditional one-size-fits-all model of school. The computer-based curricula will allow students to move at their own pace and to review and practice material with which they are having difficulty. Ongoing assessments will allow teachers to identify gaps in students’ knowledge and to quickly make adaptations to their learning plans, including directing them to programs that provide remedial instruction. The extended school day provides extra time for students to catch up.

Support for gifted and talented students: The strength of our personalized learning approach is that it engages students at both ends of the learning spectrum. The online curricula we plan on using offer enriched lessons and accelerated courses that can be used with high-achieving students.

Support for English Learners: There are two types of English Learners at the middle school level. A few students are new immigrants, coming to an English speaking school for the first time. The majority of English Learners, however, have been in schools in the United States for most of their education, sound as if they speak English, and yet have not mastered the language sufficiently to be academically successful. Both groups of students will receive ongoing support during Personalized Learning Time. Teachers will use online materials and assessments to

Heritage Digital Academy Middle School Charter Petition

develop both oral and written language skills and teach the academic uses of English.

Support for Special Education Students: The personalized approach and extended learning time at HDA is well suited to the needs of special education students. In accordance with federal law and HDA philosophy, the students will be placed in the least restrictive environment needed to meet their goals. The school will comply with all Special Education laws and timelines. Heritage Digital Academy will act as a school of the authorizing district and enter into an MOU for Special Education services.

(See Appendix D for description of Achieve 3000, an example of a programs that will be used to meet the needs of high and low achieving students, English Learners and Special Education students.)

TIME FOR TEACHERS TO IMPROVE TEACHING

“Lack of time” is the most common reason teachers give for why they can’t be as effective as they would like to be. Most middle school teachers see over 150 students a day and have only one hour of “prep time” that typically is spent grading student work. That leaves precious little time for analyzing assessment data, creating differentiated lesson plans and working with colleagues to make program improvements. In addition, due to budget constraints, most traditional schools dedicate only four days a year for professional development. As a result, even good teachers struggle to implement new ideas or be more innovative.

Teachers at Heritage Digital Academy will have up to eight hours a week to focus on improving teaching and learning. Heritage Digital Academy will have weekly scheduled time to facilitate collaboration among the staff and staff development. Teacher aides are a integral part of personalizing the learning experience for students at Heritage Digital Academy and as such will participate in prep time and professional development.

MEASURABLE STUDENT OUTCOMES (ELEMENT 2 OF THE EDUCATION CODE)

How will the school demonstrate success? The criteria are listed below and pertain to academic success. Heritage Digital Academy School will measure academic success by attaining the outcomes specified therein.

Heritage Digital Academy Middle School Charter Petition

ACADEMIC PERFORMANCE INDEX (API)

The school will attain at least one of the five following performance levels on the API.

- Attained its API growth target in the prior year, or in two of the last three years or in the aggregate for the prior three years both school wide and for all numerically significant groups of pupils served by the charter school.
- Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- Ranked in deciles 4 to 10, inclusive, on API for a demographically comparable school in the prior year or in two of the last three years
- The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
- Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

While Heritage Digital Academy progress in these areas have been recorded by the state as part of the overall Heritage K-8 results, Key Data Systems has broken out the 7th and 8th grade HDA scores for last two testing cycles and if those two grades were a school by themselves would have earned the following API scores:

2010-2011 School Year- 857 API
2011-2012 School Year- 869 API

CHARTER SPECIFIC GOALS

Heritage Digital Academy's goal is to prepare all students for rigorous high school classes including college prep, honors and Advanced Placement coursework. In order to achieve this, we have set four goals for students to achieve by the time students leave eighth grade:

1. Ability to read and comprehend nonfiction academic text at 8th grade or higher level as measured by TeenBiz3000 or similar program and/or teacher evaluation.
2. Demonstrate the skills required to begin 1st semester Algebra or above as measured by Aleks, Kahn Academy, other math programs and/or teacher evaluation.
3. Write well-constructed five paragraph essays in response to grade level prompts as measured by teacher evaluation.
4. Demonstrate readiness for high school through responsible behavior and evidence of being a self-directed student as measured by grades, student records, and faculty evaluation.

METHODS OF ASSESSMENT (ELEMENT 3 OF THE EDUCATION CODE)

Academic Performance Index will be determined by the state accountability system which currently include the California Standards Tests (CST) and the California English Language Development Test (CELDT). As the state of California moves forward with state assessments based on the California Common Core Standards, Heritage Digital Academy will use these new benchmarks designated under those standards as a measure of assessment. Since the standards tests are only administered on an annual basis, Heritage Digital Academy will be using numerous ongoing assessments to insure that the goals are being met throughout the course of the year including those goals developed by HDA staff. Data from these assessments will be regularly collected and analyzed by staff and administration using programs like Illuminate Data and Assessment software. This information will be tracked using appropriate state reporting programs and student information systems. An annual Student Accountability Report Card (SARC) will be developed and shared with the District and the public via the school website. Data from all these sources will be used in planning Heritage Digital Academy's academic program.

GOVERNANCE (ELEMENT 4 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School is a school focused on providing a customized 21st century learning experience that ensures academic excellence for every student while also preparing our youth for responsible citizenship. As such, the governing structure is designed to involve all stakeholders (school personnel, board members, students, families and community members) in ensuring organizational and student success.

While Heritage Digital Academy Middle School intends to collaborate with the Escondido Union School District, the School will be independent of the District, operated by a separate legal entity – Heritage Digital Academy Middle School Corporation. Heritage Digital Academy is applying for 501(c)(3) status as a nonprofit public benefit corporation, governed in accordance with applicable California Corporations Code sections. (*See Appendix E for Heritage K-8 articles of incorporation. Heritage Digital Academy will pursue similar articles of incorporation*)

In addition, Heritage Digital Academy will work with Heritage K-8 Charter School and Escondido Charter High School as part of the “Escondido Charter School District.”

Board of Directors

Heritage Digital Academy will be governed by a Board of Directors (“the Board”) composed of seven to nine individuals. The organizers of the Charter School have recruited and will install the slate of voting Board members. The Board will

Heritage Digital Academy Middle School Charter Petition

include one member of the Heritage Digital Academy faculty and one faculty member from each of the schools. Initial HDA faculty members on the Board will be selected by the then presiding Board from the initial faculty of Heritage Digital Academy. Thereafter, the faculty will submit a slate of candidates for each vacant Board position reserved for HDA faculty. Members of the Board will also include up to five community members that will include a qualified parent to represent each of the schools under the American Heritage Education Foundation CMO.

Board members will serve for staggered terms of two years and may serve two consecutive terms before they must leave the Board for a period of at least one year. The Board will meet at least every two months and approve substantive policy issues. The Board will define what it considers substantive policy issues.

The faculty, staff and Board will use the development of the consensus in an atmosphere of collaboration and shared decision making as the preferred method for reaching agreement. In those rare instances where a need for formality requires an explicit vote, a simple majority will prevail. It will record all actions taken and make such actions available to the public in accordance with the California Public Records Act. The Board will also conform to all applicable provisions of the Brown Act and the Public Records Act.

The Executive Director of Heritage Digital Academy will work closely with the Board of Directors to ensure that they are in full alignment with the school's mission, culture, and goals. The qualifications sought in those candidates interested in serving on the Board would include but not be limited to:

- A dedication to furthering the school's vision and mission;
- Willingness to volunteer for one or more board committees and the ability to contribute appropriate time and energy necessary to follow through on assigned tasks;
- Ability to work within a team structure;
- Expectation that all children can and will realize high academic achievement; and become socially aware citizens

SEPARATION OF DUTIES - ROLES AND RESPONSIBILITIES

The Heritage Digital Academy Middle School decision-making process will rest with the school's Board of Directors setting policies and the Executive Director carrying out those policies. The School Director, under the leadership of the Executive Director, will coordinate all campus level planning and decision making that will involve the school's professional staff, parents, and community members in establishing and reviewing the school's educational plans, goals, performance objectives, and major classroom instructional programs. This allows the School Director, teachers, parents, and the community to make school-based decisions within the boundaries of the decisions and policies set by the Board of Directors and Executive Director.

Heritage Digital Academy Middle School Charter Petition

The Board of Directors' primary responsibility will be to help set policies and work with the Executive Director guiding HDA. They are empowered to:

- Ensure that the school adheres to the goals outlined in this charter, state and federal laws and guidelines, as well as policies adopted by the Board;
- Hire, terminate, and evaluate the Executive Director
- Hold the Executive Director accountable for the academic and fiscal performance of the school;
- Provide support to the school for additional fund-raising, marketing and other services as needs arise; and
- Advocate on behalf of the school by working to establish partnerships with community organizations, institutes of higher learning, non-profit foundations and corporate entities that support education through noncommercial relationships.

The role of the School Director, under the leadership of the Executive Director, will be to assure that the diverse components are functioning as designed and that the mission, goals, and objectives of the school are being fulfilled. S/he is empowered but not limited to the following responsibilities:

- Hire, terminate, manage, and evaluate all instructional and non-instructional staff;
- Design the academic program;
- Coordinate student and teacher programming, including curriculum development;
- Manage everyday operations including crisis management and life safety compliance;

The School Director will be responsible for ensuring that overall curricular policy remains faithful to the school's mission. The School Director will implement that policy and develop and maintain, with input from teachers, a cohesive sixth through eighth grade. The School Director will also be responsible for implementation of the Common Core Standards and for working with parents and teachers to provide differentiation where necessary to meet the needs of students not achieving expectations.

PARENT AND COMMUNITY INVOLVEMENT

Just as Heritage Digital Academy will transform its students from passive into active learners, HDA will enlist parents and community members to support teaching and learning by offering opportunities for parents, families and the community to work together to prepare our students for academic success and instill in them values necessary for responsible citizenship. Heritage Digital Academy will hold regular parent and community meetings, have regular communications with stake holders and will encourage parents, students, and community members to volunteer and support HDA with recruitment, community outreach, resource development, extracurricular programs, and fundraising.

QUALIFICATIONS OF EMPLOYEES (ELEMENT 5 OF THE EDUCATION CODE)

Service at Heritage Digital Academy Middle School is regarded as a distinction and a privilege. Given the level of excellence and commitment required to implement Heritage Digital Academy Middle School's unique program and achieve its stated goals, applicants for positions at HDA must measure up to the highest of professional standards. In addition to a solid understanding and ability to teach California State Standards and Common Core Standards in their subject areas, we expect our employees to demonstrate the 21st Century skills that we expect our students to learn. To this end, employees at Heritage Digital Academy Middle School must exhibit creative, critical, and collaborative thinking. They must be digitally literate, adaptable, and ethically responsible. Heritage Digital Academy Middle School will recruit and retain staff members of the high caliber that we expect, by providing a school culture that promotes job satisfaction and provides competitive compensation and benefits for schools its size.

Within the provisions of the law, Heritage Digital Academy reserves the right to recruit, interview and hire anyone at any time that has the best qualifications to fill any position. All open positions will be posted on the school website and/or EdJoin. Also within the provisions of law, the School reserves the right to evaluate the expertise of each employee and accordingly assign that employee as it deems in the best interest of students and school. Heritage Digital Academy Middle School employees are at-will employees.

To the extent required by law, full time teachers in the school will be required to hold a Commission of Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. This will include emergency permits and credentials. Core teachers will meet or exceed No Child Left Behind (NCLB) requirements. As provided by law, the school may exercise flexibility with regard to those teaching non-core, non-college preparatory courses.

Heritage Digital Academy will avail itself of any and all credentialing methods approved by the State of California, as needed. This includes the development of or participation in a charter intern program consistent with standards established by the California Commission on Teacher Credentialing.

It is anticipated that the teacher job description will list the following minimum qualifications: Valid teaching credential as required by California law. Bachelor's degree, including all courses needed to meet credential requirements. Successful completion of two verifiable years of middle school teaching experience which may include student teaching, substitute teaching, classroom experience, or any combination thereof is preferred.

While teacher quality is an important ingredient in student academic success, the quality of leadership also plays a key role. Heritage Digital Academy Middle School will hire the highest quality leaders with the necessary background

Heritage Digital Academy Middle School Charter Petition

needed to foster the exemplary educational and ensure best business practices. Qualifications for the School Director position include the following: teaching credential, 5 years teaching experience (minimum). Charter school experience is preferred.

Heritage Digital Academy Middle School plans to employ qualified adults to assist credentialed teachers in student instruction. These staff members may be part-time credentialed, community experts, online instructors or classified employees. The school will also hire support staff such as office staff and technology support to help ensure that the school runs smoothly and safely and meets its responsibilities as a well-run business. As important members of a quality charter school all employees will meet the qualifications established by the charter school for each position. The school reserves the right to revise the job descriptions and qualifications as needed to best meet the needs of the school.

HEALTH AND SAFETY (ELEMENT 6 OF THE EDUCATION CODE)

In order to provide safety for all students and staff, Heritage Digital Academy Middle School will adopt and implement full health and safety procedures and risk management policies at our school site in consultation with its insurance carriers and risk management experts. (*See Employee Handbook in Appendix F*) The following is a summary of the health and safety policies of the Charter School:

PROCEDURES FOR BACKGROUND CHECKS

Employees and contractors of the Charter School will be required to submit to a criminal background check and furnish a criminal record summary as required by Ed. Code 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Executive Director of the school shall monitor compliance with this policy and report to the Charter School Board of Directors. The Board President shall monitor the fingerprinting and background clearance of the Director. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

ROLE OF STAFF AS MANDATED CHILD ABUSE REPORTERS

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District.

Heritage Digital Academy Middle School Charter Petition

TB TESTING

Faculty, staff and volunteers will be tested for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

IMMUNIZATIONS

All students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, Title 17, California Code of Regulations Section 6000-6075 and SB 614.

MEDICATION IN SCHOOL

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school.

VISION, HEARING, AND SCOLIOSIS

Students will receive screening according to their grade levels. The Charter School will adhere to Education Code Section 49450, et seq., as applicable to the grade levels served by the school.

EMERGENCY PREPAREDNESS

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. All staff will be trained annually on emergency procedures. Teachers, administrators and coaches will have updated CPR training. (See Appendix G for emergency procedures)

BLOOD-BORNE PATHOGENS

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus ("HIV") and hepatitis B virus ("HBV").

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

DRUG, ALCOHOL AND SMOKE FREE ENVIRONMENT

The Charter School shall function as a drug, alcohol and tobacco free workplace.

Heritage Digital Academy Middle School Charter Petition

FACILITY SAFETY

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the State Building Code, or City Codes. The School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The School shall conduct fire drills regularly.

COMPREHENSIVE SEXUAL HARASSMENT POLICIES AND PROCEDURES

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School will develop a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at the Charter School (including employee to employee, employee to student, student to employee misconduct, and student to student). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School sexual harassment policy or the suspension –expulsion policy. (See Appendix H for Employee Sexual Harassment Policy).

STUDENT DIVERSITY (ELEMENT 7 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School's student population will strive to mirror the racial and ethnic diversity of the District student population in general. Heritage Digital Academy Middle School has a focus on serving a diverse population and will strive to protect its diversity with selective recruiting, if necessary. Such steps may include:

- Announce the School's interest in seeking applications in every publication the District provides for such purposes.
- Expend at least 20 hours of staff time annually in community and regional outreach efforts, including presence at public meetings outside the School neighborhood, to recruit applicants of diverse backgrounds.
- Provide print and electronic media, fliers and/or direct mail to recruit applicants of diverse backgrounds.

The School will establish an open enrollment period of at least 90 consecutive days each year. Notice of the open enrollment period will be included in public literature. This includes any appropriate recruitment materials, advertisements, and forums mentioned above.

The School will maintain auditable records of the above activities and expenditures. The School will also maintain an accurate accounting of the ethnic and racial balance of students enrolled in the School.

Heritage Digital Academy Middle School Charter Petition

Heritage Digital Academy Middle School shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations. Heritage Digital Academy shall not discriminate on the basis of ethnicity, race, creed, color, national origin, age, gender, disability, or other basis prohibited by law. HDA will not charge tuition.

STUDENT ADMISSION POLICIES (ELEMENT 8 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School will admit all pupils who wish to attend as called for in Education Code §47605.

- I. Although Heritage Digital Academy Middle School has no "exclusionary" admission requirements, it seeks a two-fold parent commitment: first, parents will commit to and sign a mutual support agreement that outlines parents' and the School's responsibilities and obligations in educating children, and, second, parents will agree to attend and participate in no fewer than four school events in each academic year. In addition, parents will agree to participate actively in and support the disciplinary procedures developed by the site. No child will be excluded based on parental abrogation of this agreement.
- II. Should Heritage Digital Academy Middle School receive a number of applications, during the open enrollment period, that exceeds the number of spaces available within the School, the School will conduct a random public lottery, designed to establish a diverse student population, using the following rules and procedures which will be communicated to all interested parties at least 30 days prior to the holding of the lottery:
 - A. The lottery will take place within 30 days of the closing of the open enrollment period.
 - B. The lottery will take place on the School's campus in a facility large enough to allow all interested parties to observe the drawing, or at another public venue near the School large enough to accommodate all interested parties.
 - C. The lottery will take place on a weekday evening or at another time when most interested parties who wish to attend may do so.
 - D. All interested parties will know, prior to the holding of the lottery, how many openings are available in the School and in the different grades served by the School.
 - E. The following preferences will be extended to potential students:
 - Students residing in the city of Escondido, with a preference for students in HDA's neighborhood.
 - Siblings of students who have their names drawn during the lottery shall receive a guarantee of admission unless the sibling is to enroll in a grade that has had all of its spaces already filled in the drawing, in which case the sibling would be put on the waiting list for admission to that grade ahead of all others on the waiting list for that grade. Siblings of currently enrolled students will have priority when entering 6th grade to the extent spaces are available.
 - Children of employees and board members.

Heritage Digital Academy Middle School Charter Petition

- III. The lottery shall draw names from a single pool of ballots or from one pool for each grade level.
- IV. The ballots shall be large pieces of paper across which shall prominently be written numbers corresponding to the number of applicants. A name from the applicant pool will be called and a number will be drawn assigning the applicants numerical place on the list. The ballots are to be drawn from a transparent container.
- V. The drawing shall continue until all names are given a number designation. Those individuals whose numerical designation exceeds the number of places available will be placed on a waiting list in numerical order.
- VI. Potential students on the waiting list shall provide contact information to be used in the event that space becomes available. It is the responsibility of the family to update contact information as it changes. Families promoted off of the waiting list shall be contacted by phone on at least two separate occasions. If parents cannot be contacted by phone or email, a letter will go out by US Mail. Those families not responding within a 10-day period will forfeit their right to enroll their student in the School for that school year.
- VII. The Heritage Digital Academy Middle School educational community holds that the value of the School is derived from each individual student's sense of personal worth. Therefore, the community's best interest is not effectively served if the School becomes so crowded that teachers and staff no longer can give children the personalized attention they need and deserve. As such, the school will not enroll additional students when it deems that they cannot be effectively served. This means that occasionally a grade level will fill after the open enrollment period. In this case, potential students will be placed on a waiting list on a first come, first served basis. Student's families will be contacted when and if space becomes available.

FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY (ELEMENT 9 OF THE EDUCATION CODE)

ANNUAL AUDIT

Heritage Digital Academy Middle School has a contract with an independent audit firm for an annual financial audit that will be produced according to generally accepted accounting principles. Heritage Digital Academy Middle School will transmit a copy of the audit to the District - as well as to the County Superintendent of Schools, the State Controller and the State Department of Education - by December 15 of each year. It will also, in a timely fashion and to the mutual satisfaction of the District and School, report in writing to the District the manner in which the School has or intends to address any exceptions or deficiencies noted in the audit. Heritage Digital Academy Middle School will avail itself of the well-tested plans and systems used previously at District approved charter schools to provide information for an independent audit.

Heritage Digital Academy Middle School Charter Petition

BUDGETS

The Board of Directors will be responsible for approving fiscal policies and the annual budget. The Administration and business department will be involved in the budget development. The school's administration and Board of Directors will regularly review the budget in comparison to actual revenue and expenditures and make necessary adjustments to the budget as new information is available.

FINANCIAL REPORTING

The following reports will be submitted to the District by the following dates prior to submission to the County and State as required:

- The Preliminary annual budget will be submitted on or before July 1.
- The first interim financial report for July through October will be submitted by December 15.
- The audited report for prior fiscal year will be submitted by December 15.
- The second interim financial report for July through January 31 will be submitted by March 15.
- The unaudited actuals financial report for July through June 30 will be submitted by September 15.

The Board of Directors will review and approve the above reports prior to submission to the District.

ADMINISTRATIVE SERVICES

The Board of Directors will use the same business office as Heritage K-8 Charter School and Escondido Charter High School. Services provided will include budget preparation, fiscal control systems, payroll system administration, reporting, manage invoices, personnel transactions, and benefits. In the event Heritage Digital Academy Middle School Board elects to hire employees to provide business services they will hold requisite knowledge, experience, and skills to fulfill the same requirements of a business services provider.

MANDATED COST RECOVERY

The School will be responsible for recovering from the State all eligible mandated costs applicable to the School. The District will provide reports as necessary, to aid the School in filing for cost recovery. The District shall, within ninety days of receipt or as timely as possible, reimburse the School for the School's pro rata share of mandated costs that the District recovers using the School's enrollment or another basis that incorporates Heritage Digital Academy Middle School to the extent that any such recovery exceeds the actual cost attributable to the School.

STUDENT DISCIPLINE PROCEDURES (ELEMENT 10 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School staff members regard exclusion from full participation in the life of the school community as "the remedy of last resort," preferring instead to intervene with children and their families before behavioral problems become unmanageable. Discipline standards reflect Heritage Digital Academy Middle School's dedication to the idea that parents and the School share responsibility for regulating student conduct. However, in the event that suspension or expulsion becomes necessary, Heritage Digital Academy will follow the Heritage Digital Academy Middle School Board adopted suspension and expulsion policy. This policy is based on the Education Code and provides a list of offenses (mandatory and discretionary) for suspension and expulsion. The policy includes detailed procedure for suspension and expulsion along with timelines and procedures for notifying parents, guardians, and pupils about the reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion, including procedures for students with an IEP. Students expelled from Heritage Digital Academy will return to their school of residence or be referred to another public placement if deemed a threat to student safety by the district of residence. This policy will be reviewed and revised by the Board as needed to insure the safety of students and staff at Heritage Digital Academy Middle School. (*See Appendix I for Proposed Suspension and Expulsion Policy*)

EMPLOYEE RETIREMENT (ELEMENT 11 FROM EDUCATION CODE)

The Heritage Digital Academy Middle School will elect to participate in the State Teachers Retirement System and/or Public Employees Retirement system and coordinate such participation, as appropriate, with the social security system or other reciprocal system.

The school will use the San Diego County Office of Education for the reporting of State Teacher Retirement Service (STRS) and Public Employees Retirement Service (PERS). In the event that this is no longer possible, the District agrees to include the School's monthly STRS and PERS reports with the District's reports for submission to STRS and PERS according to the provisions of the Memorandum of Understanding between the School and the District. The School may establish other retirement plans for employees that include, but shall not be limited to, establishment of section 403(b) or 401(k) plans.

STUDENT ENROLLMENT OPTIONS (ELEMENT 12 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School is a school of choice. No student is required to attend. Students choosing not to attend Heritage Digital Academy Middle School may attend other public schools within their home school district. The School will provide information about attendance alternatives to inquiring parents or students. Transportation is the parental responsibility for families who choose to attend Heritage Digital Academy, unless such transportation is provided by the School at its sole discretion.

EMPLOYEE RIGHTS (ELEMENT 13 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School will select all School staff. Those selected for employment shall enter into an at-will contractual agreement to make their services available to Heritage Digital Academy Middle School. Heritage Digital Academy shall have the authority to terminate the position in accordance with the terms of that agreement. Employees of Heritage Digital Academy Middle School are hired by the Charter School and are not employees of Escondido Union School District or any other district. In the event an employee who was employed by another district prior to employment at Heritage Digital Academy wishes to return to that district, they shall follow that district's policies.

Heritage Digital Academy Middle School, in keeping with its goal to interact with the larger educational community, may hire on-loan employees from other districts to spend a predetermined length of time working at the School contributing to and learning from the innovative practices at the School. The relationship between these on-loan employees and the Charter will be determined by a Memorandum of Understanding between the loaning district and Heritage Digital Academy Middle School to be established prior to the loan of the employee.

Heritage Digital Academy Middle School may contract with other districts for services. No employee of Escondido Union School District, or any other district, shall be required to work at Heritage Digital Academy Middle School except as assigned according to the provisions of services for which the School contracts with the District.

DISPUTE RESOLUTION (ELEMENT 14 OF THE EDUCATION CODE)

DISPUTE RESOLUTION- DISTRICT/CHARTER

Both Escondido Union School District and Heritage Digital Academy Middle School will always attempt to resolve any disputes between them amicably and reasonably without resorting to formal procedures. In the event of a dispute between the School and the District regarding the terms of this Charter, the Memorandum of Understanding, or regarding any other issue regarding the School's and the District's relationship, both parties agree to apprise the other in writing of the specific disputed issue(s).

In the event that the District believes that the dispute relates to an issue that could lead to revocation of the Charter, this shall be specifically noted in the written dispute statement the District provides the School. Within 30 days of sending written correspondence, or longer if both parties agree, a charter school representative, a District representative, or their designees, shall meet and confer in an attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the charter representative and the District representative shall meet

Heritage Digital Academy Middle School Charter Petition

again within 15 days, or longer if both parties agree by mutual agreement, to identify a neutral, third party mediator to assist in dispute resolution. The format of the third party mediation process shall be developed jointly by the representatives and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The finding or recommendation of any mediator shall be non-binding, unless the governing authorities of the School and District jointly agree to bind themselves. Unless jointly agreed, the process involving the assistance of a third party mediator shall conclude within 45 days. All mediation and/or arbitration costs and all other costs associated with dispute resolution shall be shared equally by the School and the District.

In the event the third party mediation process does not result in resolution of the dispute, both parties agree to continue good faith negotiations. If the matter cannot be mutually resolved, the School shall be given a reasonable period of time to correct the violation, unless the District indicates in writing that the violation constitutes a severe and imminent threat to the health and safety of the School's pupils. EUSD reserves the right to take any action it deems appropriate, and the School reserves the right to seek legal redress for any such actions under the law. In addition, the dispute is not required to be referred to mediation in those cases where the District determines the violation constitutes a severe and imminent threat to the health and safety of the School's pupils.

If the EUSD's Board believes it has cause to either not renew or to revoke this Charter, the EUSD's Board agrees to notify the Heritage Digital Academy Middle School Executive Director and grant the School reasonable time to respond to the notice and take appropriate corrective action prior to revoking or deciding not to renew the Charter.

The District agrees to refer all complaints regarding operations of Heritage Digital Academy Middle School to the School's Executive Director for resolution in accordance with the School's adopted policies. In the event that the School's adopted policies and processes fail to resolve the dispute, the District agrees not to intervene in the dispute without the consent of the School unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked.

DISPUTE RESOLUTION- INTERNAL

Heritage Digital Academy Middle School will develop a comprehensive dispute resolution procedure that addresses processes to be followed in the event of a disagreement between staff members, or between parents and the School. These procedures will be detailed in the staff handbook and parent handbook respectively.

EMPLOYMENT DECLARATION (ELEMENT 15 OF THE EDUCATION CODE)

Heritage Digital Academy Middle School shall be deemed the exclusive public school employer of the employees of Heritage Digital Academy Middle School for the purposes of the Educational Employment Relations Act (“EERA”). As such, Heritage Digital Academy Middle School recognizes employees’ rights under the EERA, will act independently from the District, and will comply with all provisions of the EERA.

CLOSURE PROTOCOL (ELEMENT 16 OF THE EDUCATION CODE)

In the event of the dissolution of Heritage Digital Academy Middle School, the Governing Board or its designee shall ensure compliance with California Code of Regulations, Sections 11962, other applicable laws, the Charter, bylaws or any other legal or contractual requirements.

Dissolution: If the School’s Charter is revoked or not renewed and the School closes, the Board may elect voluntarily to dissolve Heritage Digital Academy Middle School by passing a resolution approved by a majority of the Board. The Board shall continue to act as a board and shall have full powers to settle its affairs both before and after filing the Certificate of Dissolution. Heritage Digital Academy Middle School shall cease to conduct its activities except to the extent necessary and except during such period as the Board deems necessary to preserve the Heritage Digital Academy Middle School’s goodwill pending a sale or disposition of its assets, or both, in whole or part.

Certificate of Dissolution: After the Board approves the resolution to dissolve Heritage Digital Academy Middle School, the Board shall file with the Secretary of State a certificate evidencing that election, and a copy shall be filed with the Attorney General.

Notifications: The Board will promptly notify the District of the effective date of the closure. The Board will ensure notification to the parents and students of the School of the closure and provide information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the School.

Notice of Dissolution: Once the Board has passed the resolution to dissolve, it shall provide written notice to all known creditors and claimants whose addresses appear on the records of Heritage Digital Academy Middle School and to the Attorney General.

Audit: Upon the dissolution of Heritage Digital Academy Middle School but before disposition of the assets and liabilities of the School, the Board shall oversee a financial audit of the School’s assets and liabilities by a neutral third party auditor.

Disposition of Assets and Liabilities: Based upon the audit findings, Heritage Digital Academy Middle School shall pay or adequately provide

Heritage Digital Academy Middle School Charter Petition

for all known debts and liabilities as far as its assets permit. District school facilities and District personal property shall be returned to the District. Any remaining assets shall be disposed of at the charter school board's discretion. Assets held by Heritage Digital Academy Middle School upon a valid condition requiring return, transfer, or conveyance which condition has occurred or will occur by reason of the dissolution shall be returned, transferred, or conveyed in accordance with the condition.

Student Records: Upon dissolution, the Board will provide for the transfer of all student records to the charter granting agency or other qualified entity. The Board will provide notice to each student and his/her parent or guardian of the whereabouts of his/her records so that the student may later obtain copies.

Other Records: Upon dissolution, the Board will sort through all of the records of Heritage Digital Academy Middle School to determine which records must be retained in accordance with law and which may be destroyed. The Board will destroy those records that may be destroyed and will do so in a manner that provides for the confidentiality of the records. The Board will provide for storage of the records required to be retained by law in a manner that ensures their survival.

OTHER SUPPORTING INFORMATION

INDEMNITY

Escondido Union School District will save, defend, indemnify and hold harmless Heritage Digital Academy Middle School and Heritage Digital Academy Middle School Corporation, its officers, agents and employees against any and all claims, demands, suits, costs, judgments or other forms of liability, actual or asserted, of whatsoever kind or character, including attorneys fees, arising or resulting from the conduct, acts or omissions of the District, its officers, agents, employees, pupils, volunteers or any other persons under the supervision of Escondido Union School District

The Heritage Digital Academy Middle School and Heritage Digital Academy Middle School Corporation will save, defend, indemnify and hold harmless the District, its officers, agents and employees against any and all claims, demands, suits, costs, judgments or other forms of liability, actual or asserted, of whatsoever kind or character, including attorneys fees, arising or resulting from the conduct, acts or omissions of the school, its officers, agents, employees, pupils, volunteers or any other persons under the supervision of Heritage Digital Academy Middle School and Heritage Digital Academy Middle School Corporation.

Heritage Digital Academy Middle School Charter Petition

PUBLIC RECORDS

Heritage Digital Academy Middle School shall permit authorized district personnel to inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel, pupil records, and the records of the corporation, unless law prohibits the disclosure of any such records. The School shall comply with requests for such records in a timely manner. The Charter will comply with the Public Records Act (Government Code section 6250). Authorized district personnel shall have the right to inspect the charter school pursuant to Education Code section 47607.

INSURANCE

Heritage Digital Academy Middle School will maintain general liability, automobile liability, errors and omissions liability insurance as well as workman's compensation insurance in the amount agreed upon in the Memorandum of Understanding (MOU) between the District and Charter. Heritage Digital Academy Middle School will submit proof of insurance as agreed upon in the MOU.

TRANSPORTATION

Heritage Digital Academy Middle School does not provide transportation to and from school for the purpose of attending the School. In the event transportation is contracted for field trips, Heritage Digital Academy Middle School will contract with insured transportation services.

FACILITIES PLAN

Heritage Digital Academy currently shares a site with Heritage K-8 Charter School at 1845 E. Valley Pkwy. HDA occupies two buildings on the site which are leased from the American Heritage Education Foundation. Heritage Digital Academy will continue to occupy these facilities.

FIVE-YEAR FINANCIAL PLAN

A five-year pro-forma budget for Heritage Digital Academy Middle School is provided in Appendix J. Heritage Digital Academy is in its third year as a part of the Heritage K-8 Charter School as a blended learning seat time program and is self-sufficient in its funding model. With the approval of this petition, Heritage K-8 will transfer all items currently being used by Heritage Digital Academy to ownership by Heritage Digital Academy under the new charter. As a result, the usual startup costs such as facility upgrades, furnishings and equipment, textbooks, etc, will not apply since these items have been purchased under the K-8 budget over the last three years and HDA is currently occupying the facilities it will be using under the new charter.

AFFIRMATIONS AND ASSURANCES

As the authorized lead petitioner, I, **Dennis Snyder**, hereby certify that the information submitted in this petition for a California public charter school named **Heritage Digital Academy Middle School** and located within the boundaries of the **Escondido Union School District** is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, agree that the Charter School:

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Shall be deemed the exclusive public school employer of the employees of the **Heritage Digital Academy Middle School** for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]
- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Shall admit all students who wish to attend the **Heritage Digital Academy Middle School**, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- Shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.

Heritage Digital Academy Middle School Charter Petition

- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
- Shall at all times maintain all necessary and appropriate insurance coverage.
- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- Will follow any and all other federal, state, and local laws and regulations that apply to the **Heritage Digital Academy Middle School** including but not limited to:
 - The **Heritage Digital Academy Middle School** shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
 - The **Heritage Digital Academy Middle School** shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
 - The **Heritage Digital Academy Middle School** shall comply with any jurisdictional limitations to locations of its facilities.
 - The **Heritage Digital Academy Middle School** shall comply with all laws establishing the minimum and maximum age for public school enrollment.
 - The **Heritage Digital Academy Middle School** shall comply with all applicable portions of the No Child Left Behind Act.

Heritage Digital Academy Middle School Charter Petition

- The **Heritage Digital Academy Middle School** shall comply with the Public Records Act.
- The **Heritage Digital Academy Middle School** shall comply with the Family Educational Rights and Privacy Act.
- The **Heritage Digital Academy Middle School** shall comply with the Ralph M. Brown Act with regard to School Board Meetings.
- The **Heritage Digital Academy Middle School** shall meet or exceed the legally required minimum of school days.

Dennis Snyder, Lead Petitioner

Date